IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.58892-M of 2005

Date of Decision: November 30, 2006

Aarti

...Petitioner

VERSUS

State of Punjab & another

...Respondents

CORAM: HON'BLE MR.JUSTICE RANJIT SINGH

Present: Mr.Vivek Chauhan, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab,
for respondent No.1.

Mr.H.S.Dhindsa, Advocate,
for respondent No.2.

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Reply filed on behalf of respondent No.2 today in the Court is taken on record.

Arti daughter of Mohinder Pratap Singh, who was aged 12 years at the time of incident, has sought quashing of FIR No.372 dated 4.9.2002, under Sections 323/160 IPC, Police Station, Model Town, Ludhiana registered against her and her parents. It may sound strange to notice that a girl of such tender age, who admittedly is a juvenile, has been made to suffer the consequences of a criminal proceedings from the last so many years. 4.9.2002 was the

unfortunate day in the life of this young girl, when she happened to visit Shiv Temple at Labour Colony, Ludhiana with her mother. While on return, the mother and the daughter were stopped by Inderjeet Yadav, respondent No.2, and his sons, Rajesh and Rakesh and given abuses. Allegedly they manhandled and beaten the petitioner and her mother. The father of the petitioner was also given beating when he attempted to intervene. The family went to Police Chowki Dugri to file a complaint and on the basis thereof, DDR No.31 dated 4.9.2002 was registered at Police Station, Model Town, Ludhiana. While the family was present at the police station, respondent Inderjeet Yadav and others also reached police station and submitted a counter complaint, on the basis of which counter DDR No.32 dated 4.9.2002 was registered against the petitioner, her father Mohinder Singh, her mother Urmila and one Raj Bahadur. This ultimately led to registration of FIR No.372 dated 4.9.2002.

Noticing the age of the petitioner to be 12 years, the courts had ordered that the challan against her be submitted in the Juvenile Court. The present petition has been filed seeking quashing of this FIR qua the petitioner mainly on the ground that it would be un-imaginable to urge that a girl of 15 years could beat three able bodied men much older to her in age and physique. It is further urged that in the FIR no attribution can be seen against the petitioner. In a complaint against the petitioner, it is simply mentioned that Mohinder Singh, Raj Bahadur, Mohinder Singh's wife and daughter had beaten the sons of the complainant.

Notice in this case was issued and reply has been filed. At the time of issuing notice, further proceedings against the

petitioner were stayed. In the reply filed by respondent No.2, it is projected that a girl of 15 years of age is fully agile and aggressive to hurt a person. It is further alleged that Mohinder Singh, Raj Bahadur and Mohinder Singh's wife were also with the petitioner and the submission that the petitioner because of her age could not beat a person, who was major, is devoid of merit.

I have given my thoughtful considerations to the submissions made before me.

As noticed above, there are no specific allegations against the petitioner. The complainant clearly can be seen to have stretched limits to make an allegation against a young girl for having given beating to grown up major adults, who are men. It may be true that the petitioner was accompanied by her parents and some other persons, yet that would not mean that the petitioner, who statedly is a juvenile, had in fact participated in this beating. The submission made by the counsel for the petitioner that a young girl of tender age could not be expected to give beatings to three grown up adults, though accompanied by other persons, cannot be easily discounted. There are no specific allegations seen against the petitioner. She is having young and tender age. Making her to undergo criminal proceedings on such infirm allegations would amount to abuse of process of the court. If indeed the petitioner has played any specific role in the incident, the respondent-complainant was bound to disclose the same. One can reasonably assure oneself that a girl of 12/15 years of age would certainly not be in a position to beat three grown up adult men. It appears that the petitioner has been thus involved in this case at the instance of respondent No.2. I would,

therefore, quash the proceedings to avoid abuse of process of the court against the petitioner.

The present petition is accordingly allowed and FIR No.372 dated 4.9.2002 registered under Sections 323/160 IPC at Police Station Model Town, Ludhiana and the subsequent proceedings in progress against the petitioner are hereby quashed. It is made clear that the proceedings qua the petitioner alone are being quashed and anything stated in this order would not have effect on the merits of the case against the other accused either on the side of the complainant or on the side of the petitioner.

November 30, 2006 (RANJIT SINGH)
ramesh JUDGE